IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

John W. Davis,   :
                                                  :
            Petitioner(s),   :
                                                  :   Case Number: 1:16cv485
      vs.   :
                                                  :   Judge Susan J. Dlott
Warden, Hocking Correctional Facility,   :
                                                  :
            Respondent(s).   :

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate

Judge Karen L. Litkovitz filed on December 9, 2016 (Doc. 14), to whom this case was referred

pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the

time for filing such objections under Fed. R. Civ. P. 72(b) expired January 23, 2017, hereby

ADOPTS said Report and Recommendation.

The petitioner filed a motion to withdraw the motion for extension of time (Doc. 17).

This motion is DENIED AS MOOT.

Accordingly, respondent's motion to dismiss (Doc. 10) is GRANTED. Petitioner's *pro

se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DISMISSED with

prejudice on the ground that it is time-barred.

A certificate of appealability will not issue with respect to the sole ground for relief

alleged in the petition, which this Court has concluded is procedurally barred from review on

statute-of-limitations grounds, because under the first prong of the applicable two-part standard

enunciated in *Slack v McDaniel,*529 U.S. 473, 484-85 (2000), "jurists of reason" will not find it

debatable whether the Court is correct in its procedural ruling.

With respect to any application by petitioner to proceed on appeal *in forma pauperis,* the

Court will certify pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of any Order adopting the

Report and Recommendation will not be taken in "good faith," and therefore DENIES petitioner

leave to appeal *in forma pauperis* upon a showing of financial necessity. *See* Fed. R. App. P.

24(a); *Kincade v. Sparkman,* 117 F.3d 949, 952 (6th Cir. 1997).

　　IT IS SO ORDERED.

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　　　　　　　　　　　　　　　　　　　　Judge Susan J. Dlott
　　　　　　　　　　　　　　　　　　　　United States District Court